

Aug-11-05, 11:08am From-

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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ALFREDO ORDONEZ-QUINTEROS,

17 Defendant.
18
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No. 05-70456 RS

21 STIPULATION AND ~~PROPOSED~~
22 ORDER EXCLUDING TIME

23 SAN JOSE VENUE

24 On August 11, 2005, the parties in this case appeared before the Court for an arraignment. At
25 that appearance, Assistant Federal Public Defender Jay Rorty explained that he needs additional
26 time to discuss the government's plea offer with the defendant and for the defendant to discuss
27 the offer with his family. Therefore, the parties requested that the arraignment be continued to
28 September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. In addition, the defendant,
through his counsel, agreed to an exclusion of time under the Speedy Trial Act from August 11,
2005 to September 8, 2005. The parties agree and stipulate that an exclusion of time is
appropriate based on the defendant's need for effective preparation of counsel.

STIPULATION AND [PROPOSED] ORDER
No. 05-70456 RS

FILED

AUG 19 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Aug-11-05 11:08am From-

1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney2
3 DATED: 8/19/05SUSAN KNIGHT
Assistant United States Attorney4
5 DATED: 8/15/05JAY RORTY
Assistant Federal Public Defender

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8 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
9 continued to September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. Good cause
10 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
11 and 18 U.S.C. § 3060.

12 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
13 Speedy Trial Act from August 11, 2005 to September 8, 2005. The Court finds, based on the
14 aforementioned reasons, that the ends of justice served by granting the requested continuance
15 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
16 the requested continuance would deny defense counsel reasonable time necessary for effective
17 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
18 of justice. The Court therefore concludes that this exclusion of time should be made under 18
19 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

20 SO ORDERED.

21
22 DATED: 8/19/05PATRICIA V. TRUMBULL
United States Magistrate Judge